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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

**Edwardo Munoz**, individually and on behalf of all others similarly situated,

Case No. 2:18-cv-03893-RGK-AGR

**Plaintiff.**

V.

**7-Eleven, Inc.,** a Texas corporation

**Defendant.**

**PLAINTIFF'S REPLY TO  
DEFENDANT'S ADDITIONAL  
UNCONTROVERTED FACTS**

Date: May 20, 2019

Time: 9:00 a.m.

Judge: Hon. R. Gary Klausner

Place: Courtroom 850

Complaint Filed: May 9, 2018

1 Plaintiff Edwardo Munoz (“Plaintiff” or “Munoz”) hereby submits this Reply  
 2 to Defendant’s Additional Uncontroverted Facts, included in Defendant’s Response  
 3 to Plaintiff’s Statement of Uncontroverted Facts and Conclusions of Law in Support  
 4 of Motion for Summary Judgment (Dkt. 73-1). The following additional facts,  
 5 presented by Defendant as uncontroverted, are misrepresented or otherwise are in  
 6 dispute:

7 <b>UNCONTROVERTED FACTS</b>	8 <b>SUPPORTING EVIDENCE</b>
9 26. When Plaintiff actually read the 10 Form in its entirety, he understood it.	See Trotter Decl. ¶¶ 2 and 4, Ex. A at 11 134:2-13, 137:10-138:3, 150:13-165:12, 12 in particular 164:21-165:4, and Ex. C.

13 **Plaintiff’s Reply:**

14 Defendant’s characterization of this “undisputed fact” is misleading and  
 15 unsupported for three reasons. First, Plaintiff has already disputed this fact in his  
 16 Statement of Genuine Disputes of Material Fact (Dkt. 71-1). Second, Defendant’s  
 17 characterization of Munoz’s deposition as the first time he “actually read” or  
 18 attempted to understand the form is plainly contradicted by his testimony—to the  
 19 extent that he read the form when signing it, Plaintiff was confused:

- 20 • Munoz was confused about the purpose of the form, believing it was a simple  
   21 background check authorization that would not extend to investigative  
   22 interviews. (Dkt. 71-3, at 140:7–141:18; 142:9–21; 143:19–144:7; 168:2–  
   23 169:1.)
- 24 • Munoz was confused by the title of the form. (Dkt. 71-3, 145:16–146:20.)
- 25 • Munoz was confused about the different types of reports mentioned in the  
   26 form. (Dkt. 71-3, at 147:16–148:21.)

1 Third, and as Defendant acknowledged in its Reply to Plaintiff's Statement of  
2 Genuine Disputes of Material Fact (Dkt. 72-1), Munoz testified that he was *still*  
3 confused by several aspects of the form, even after an exacting review during the  
4 deposition:

- 5 • At his deposition, Munoz still did not understand the different types of  
6 reports mentioned in the form. (Dkt. 71-3, at 146:5–15; 148:1–6.)  
7 • At his deposition, Munoz still did not understand what type of “report” he  
8 had authorized. (Dkt. 71-3, at 157:3–23.)

9 Dated: May 6, 2019

10 By: /s/ Steven L. Woodrow  
One of Plaintiff's Attorneys

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2                   **CERTIFICATE OF SERVICE**  
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5                   The undersigned hereby certifies that a true and correct copy of the above  
6 titled document was served upon counsel of record by filing such papers via the  
7 Court's ECF system on May 6, 2019.  
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10                   /s/ Steven L. Woodrow  
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